

Material Safety Data Sheet and Label Preparation

WAC 296-839-100

Scope

This chapter sets minimum requirements for content and distribution of material safety data sheets (MSDSs) and labels for hazardous chemicals

- This chapter applies when you do one or more of the following:
 - Import, produce, or repackage chemicals, including manufactured items (such as bricks, welding rods, and sheet metal) that aren't exempt as articles
 - Sell or distribute hazardous chemicals to manufacturers, distributors or employers
 - Choose to develop material safety data sheets (MSDSs) for a product you don't import or manufacture.



Reference:

See WAC 296-800-170, the Employer Chemical Hazard Communication rule, for MSDSs, label, and other requirements that apply when hazardous chemicals are used in your workplace.



Note:

- Use Table 2 to determine which sections in this chapter apply to your workplace.



Exemptions:

- All of the following are always exempt from this chapter:
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Tobacco and tobacco products
- The chemicals and items listed in Table 1 are exempt from this chapter **under the conditions specified.**

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Table 1
Conditional Exemptions from this Chapter

<i>This chapter does NOT apply to</i>	<i>When</i>
<ul style="list-style-type: none"> Alcoholic beverages <i>or</i> Foods 	<ul style="list-style-type: none"> Sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, bar, or tavern)
<ul style="list-style-type: none"> An article (manufactured item) 	<ul style="list-style-type: none"> It's not a fluid or particle <i>and</i> It's formed to a specific shape or design during manufacture for a particular end use function <i>and</i> It releases only trace amounts of a hazardous chemical during normal use AND doesn't pose a physical or health risk to employees <p>Note: End use is dependent in whole, or in part, upon maintaining the item's original shape or design. If the item will be significantly altered from its original form, it can no longer be considered a manufactured item</p>
<ul style="list-style-type: none"> Consumer products <ul style="list-style-type: none"> Produced or distributed for sale meeting the definition of "consumer products" in the Consumer Product Safety Act. See U.S. Code, Title 15, Chapter 47, section 2052. <i>or</i> Hazardous household products <ul style="list-style-type: none"> Meeting the definition of "hazardous substances" in the Federal Hazardous Substance Act. See U.S. Code, Title 15, Chapter 30, section 1261 at http://www.access.gpo.gov/uscode/uscmmain.html 	<ul style="list-style-type: none"> Both criteria apply: <ul style="list-style-type: none"> They're used in the workplace for the same purpose as intended by the manufacturer or importer The duration and frequency of an employee's exposure is no more than the range of exposures that consumers might reasonably experience
<ul style="list-style-type: none"> Cosmetics 	<ul style="list-style-type: none"> Packaged and sold in retail establishments
<ul style="list-style-type: none"> Drugs <ul style="list-style-type: none"> Meeting the definition for "drugs" in the Federal Food, Drug, and Cosmetic Act. See U.S. Code, Title 21, Chapter 9, Subchapter II, section 321 at http://www.access.gpo.gov/uscode/uscmmain.html 	<ul style="list-style-type: none"> In solid, final form (for example, tablets or pills) for direct administration to the patient <i>or</i> Packaged and sold in retail establishments (for example, over-the-counter drugs) <i>or</i> Intended for employee consumption while in the workplace (for example, first-aid supplies)

Table 1 (Continued)

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1•800•4BE SAFE (1•800•423•7233)

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<p><i>Table 1 (Continued)</i> <i>Conditional Exemptions from this Chapter</i></p>	
<i>This chapter does NOT apply to</i>	<i>When</i>
<ul style="list-style-type: none"> Hazardous solid wastes <ul style="list-style-type: none"> - Meeting the definition of "hazardous wastes" in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976. See U.S. Code, Title 42, Chapter 82, Subchapter 1, section 6903 at http://www.access.gpo.gov/uscode/uscmmain.html 	<ul style="list-style-type: none"> Subject to the United States Environmental Protection Agency (EPA) regulations. EPA regulations are included in the Code of Federal Regulations (CFR). See http://www.epa.gov
<ul style="list-style-type: none"> Hazardous substances <ul style="list-style-type: none"> - Released into the environment, meeting the definition of "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). See U.S. Code, Title 42, Chapter 103, Subchapter I, section 9601 at http://www.access.gpo.gov/uscode/uscmmain.html 	<ul style="list-style-type: none"> They're the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations. See Title 40 of the Code of Federal Regulations (CFR) at http://www.epa.gov
<ul style="list-style-type: none"> Hazardous wastes <ul style="list-style-type: none"> - Meeting the definition of "dangerous wastes" in the Hazardous Waste Management Act. See chapter 70.105 RCW at http://www.leg.wa.gov/wsladm/default.htm 	<ul style="list-style-type: none"> Subject to Department of Ecology regulations, Chapter 173-303 WAC (see http://www.ecy.wa.gov), that addresses the accumulation, handling and management of hazardous waste, and describe all of the following: <ul style="list-style-type: none"> - Safety - Labeling - Personnel training - And other related requirements
<ul style="list-style-type: none"> Solid wood <i>or</i> Wood products (for example, lumber and paper) 	<ul style="list-style-type: none"> All of the following apply: <ul style="list-style-type: none"> - The material isn't treated with hazardous chemicals - The only hazard is potential flammability or combustibility - The product isn't expected to be processed (for example, by sanding or sawing)

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Use Table 2 to find out which sections of this chapter apply to you. For example, if you import **AND** sell hazardous chemicals, ALL sections apply. WAC 296-839-500 applies to all employers covered by the scope of this chapter.

<p>TABLE 2 Section Application</p>				
<i>If you</i>	<i>Then the sections marked with an "X" apply</i>			
	<i>20005 - 20010</i>	<i>30005</i>	<i>30010 - 30015</i>	<i>40005</i>
• Import or produce chemicals	X	X		
• Sell or distribute hazardous chemicals to - Manufacturers <i>or</i> - Distributors <i>or</i> - Employers (includes retail or wholesale transactions)			X	X
• Choose to develop MSDSs for a product you don't import or manufacture	X	X		